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# National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

# Marshall Islands

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## Introduction

1. Following the last Universal Periodic Report (UPR) cycle, the Republic of the Marshall Islands (RMI) continues to work to improve the government's capacity to address human rights issues. Major accomplishments include the enactment of a new Criminal Code more closely in line with international human rights standards, enactment of the *Domestic Violence Prevention and Protection Act 2011* (DVPPA), and the active participation in the visit of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and the subsequent consideration by The Human Rights Council (HRC) of the resulting report. The RMI continues to face significant challenges in addressing human rights issues, including lack of capacity and inadequate resources in a time of serious financial constraints. Additionally, the constant threat of climate change demands increased attention, at both the political and service delivery level, as evidenced by the drought in the Northern Atolls in 2013 and the inundation of Southern Atolls in 2014.

## I. Methodology and consultation process

2. The Resource Development Committee (RDC) remains the Cabinet mandated body in charge of addressing human rights issues. The RDC consists of the leadership of the Office of the Chief Secretary, the Ministry of Internal Affairs (MOIA), the Ministry of Foreign Affairs (MOFA), the Ministry of Education (MOE), the Ministry of Resources and Development MORD), the Ministry of Health (MOH), the Ministry of Justice (MOJ), including the Attorney General's Office (AG's Office), the Public Defender's Office, the Department of Public Safety, the National Training Council (NCT), the Economic Planning, Policy and Statistics Office (EPPSO), the United Nations Joint Presence Office (UNJPO), the Marshall Islands Council of Non-Governmental Organizations (MICNGOs), Women United Together Marshall Islands (WUTMI) and Youth to Youth in Health (YTYIH). The RDC planned and executed the UPR reporting process.

3. Main events include taking part in two workshops presented in partnership with Pacific Islands Forum Secretariat (PIFS), Office of the High Commissioner on Human Rights (OHCHR) and the Regional Rights Resources Team (RRRT) of the Secretariat of the Pacific Community (SPC). The RDC secretariat identified a core group to coordinate UPR reporting. This core group is made up of representatives from MOFA, MOIA, AG, MOE and MOH. The core group facilitated the collection and compiling of information as well as the consultation and endorsement process.

4. Consultation took place through the two workshops conducted early in the process and through meetings with RDC and other stakeholders later in the process. Furthermore, a Forum with the 4 Atolls affected from the nuclear testing took place on January 16th 2015. During the Forum, the UPR drafting team presented the UPR report.

# II. Developments since the previous review, background of the State under review and framework, particularly normative and institutional framework, for the promotion and protection of human rights; constitution, legislation, policy measures, national jurisprudence, human rights, infrastructure including national human rights institution and scope of international obligations identified in the "basis of review" in resolution 5/1

## A. National laws and legislations

5. Major legislative developments since the last UPR report include:

DVPPA, Criminal Code 2011, Marshall Islands Public School System Act 2013 (MIPSSA).

## B. National measures and policies

### 1. National Strategic Plan (2015-2017)

6. The National Strategic Plan (NSP) was developed in 2013 through a collaborative process led by EPPSO under the guidance and advice of the NSP Steering Committee established by Cabinet and chaired by the Chief Secretary. Technical assistance was provided from United Nations Development Programme (UNDP). The NSP "is designed as a framework to coordinate the articulated medium term development goals and objectives of the RMI government at the national level." It covers a three year increment period, starting 2015-2017 and will continually updated in order to meet longer term objectives, especially in regards towards the scheduled completion of *The Compact of Free Association, as Amended* funding in 2023.

7. The NSP was developed in line with both *The Constitution* and Vision 2018, which provides the RMI with a long range view of national context and perspective that inform relevant national priorities. The objective of the NSP is "Sustainable, equitable and measurable development reflecting the priorities and culture of the Marshallese People." This objective will be achieved through activities in five sectors: Social Development, Environment, Climate Change and Resiliency, Infrastructure Development, Sustainable Economic Development, and Good Governance. The objectives that come under each sector are aligned with ten national development themes derived from Vision 2018.

### 2. RMI National Gender Policy

8. Beginning in 2013, MOIA, with technical assistance from SPC, led efforts to draft a gender policy to replace the National Women's Policy that expired in 2001. The drafting committee was made up of representatives from relevant governmental and non-governmental organizations. The policy was developed in line with Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention on the Rights of the Child (CRC), the Pacific Plan, the Millennium Development Goals (MDG), the Beijing Platform for Action, the Revised Pacific Platform for Action for the Advancement of Women and Gender Equality and the 2012 Pacific Islands Forum Leaders' Gender Equality Declaration. The final draft was produced in October 2014 and went through consultations conducted on Majuro. The policy is scheduled for review by Cabinet in early 2015.

9. The Gender Policy was developed in line with the NSP. The purpose of the Gender Policy is to "guide the process of developing laws, policies, procedures and practices that will address the needs, priorities and aspirations of all women and men and effectively eliminate all forms of discrimination and inequality." The five priority outcomes are: strengthened capacity across the government to deliver gender-responsive programs and services, secured family wellbeing, elimination of gender-based violence and protection and care of survivors, enabling environment for an equitable participation in and benefit from economic development and equitable participation of women and men in decision making.

### 3. RMI National Policy on Disability Inclusive Development (2014-2018)

10. In September 2014, the Nitijela approved the RMI National Policy on Disability Inclusive Development. The Disability Policy was developed in a collaborative process led by MOIA with technical assistance from the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), PIFS and the Pacific Disability Forum (PDF). The purpose of the policy is to "provide a comprehensive framework for improving the quality of life of person with disabilities and to increase their meaningful participation in society" in line with the goal that the "RMI becomes a barrier-free society that respects the rights of all persons with disabilities by empowering, including and providing them with the means of achieving their rights." The Disability Policy was developed in line with the Convention on the Rights of Persons with Disabilities (CRPD), the Pacific Regional Strategy on Disability (PRSD) and the Incheon Strategy.

11. The Disability Policy is organized around ten priority areas: coordination, legislation, signature and accession of the CRPD, awareness and advocacy, education and training, employment and livelihoods, access to health services, mainstreaming of disability across government and civil society, strengthening of Marshall Islands Disabled Persons Organization (MIDPO), and women with disabilities and youth with disabilities. In January of 2015, the *Nitijela* approved the Government's accession to the CRPD.

### 4. RMI National Youth Policy (2009-2014)

12. The RMI National Youth Policy was developed in 2009 through consultations with national stakeholders and with technical assistance from regional development partners. The purpose of the Youth Policy is to promote and realize coordination among organizations serving the youth population by mobilizing and engaging young people as partners in development and by promoting collaboration between government, Non Government Organizations (NGOs), churches and communities. Currently in its last year, the Youth Services Bureau within MOIA is actively seeking technical assistance to revise and renew the Youth Policy. An amendment to the *Marshall Islands Youth Advisory Act* to include youth-related organizations was adopted by the *Nitijela.*

13. The Youth Policy addresses the following priority policy areas: young people, families and communities; education and training; career development, employment and livelihood; health and social services; cultural and creative arts; sports and recreation; and youth machineries and youth development programs. These policy areas address the key areas identified by community and stakeholder participants in consultations: lack of family and community support, youth unemployment, school dropouts, teenage pregnancy, substance abuse, depression and suicide, juvenile crime, and loss of culture and identity. All activities in the key policy areas are to be implemented in line with the following values and principles: youth participation and youth voice, partnership, equity, sustainability, accessibility diversity, and transparency.

**5. RMI National Reproductive Health Policy/Strategy (2014-2016)**

14. The Reproductive Health Unit within MOH developed the Reproductive Health Policy through a consultative process with technical assistance from the United Nations Population Fund (UNFPA), Pacific Sub Regional Office (PSRO). In light of RMI's commitments under the International Conference on Population and Development (ICPD) and the MDGs, the RMI is active in improving reproductive health services, including making pregnancy safe and offering adequate family planning services. The policy envisions quality service of Sexual and Reproductive Health (SRH) for all the people of the RMI. The thematic areas of the policy are maternal and neonatal health, provision of family planning, adolescent sexual and reproductive health, the control of STIs/HIV and integration with other SRH programs, other gynecological morbidities, cervical and breast cancer, gender and reproductive health, reproductive health commodity security, and male involvement in reproductive health.

**6. RMI Prevention of Adolescent Pregnancy: A 3-year Strategy (2014-2016)**

15. In 2014, with support from UNFPA, the RMI developed the Prevention of Adolescent Pregnancy Strategy. This strategy is based on the identification of adolescent pregnancy as a major social issue, with a recorded adolescent fertility rate of 85 births per year per 1000 women aged 15-19, which is by far the highest adolescent pregnancy rate in the Pacific. The specific actions within the strategy were based on qualitative and quantitative data collected. The five strategic areas are: commitment, prioritization and policies, youth-friendly services and environment, early education and intervention, and support.

**7. RMI Joint National Action Plan for Climate Change Adaptation & Disaster Risk Management (JNAP) (2014-2018)**

16. The JNAP was developed by the RMI with assistance from SPC and the Secretariat of Applied Geo Science and Technology (SOPAC), Secretariat of the Pacific Regional Environment Programme and UNDP through consultations with key government ministries, agencies and NGOs and was approved by Cabinet in 2014. The JNAP provides a detailed strategy for "holistically and co-operatively addressing risk in the RMI. The JNAP's goals include: establishing and supporting an enabling environment for improved coordination of disaster risk management/climate change adaptation in the RMI, public education and awareness of effective Climate Change Adaptation and Disaster Risk Management from local to national level, enhanced emergency preparedness and response at all levels within the RMI, improved energy security while working towards a low carbon future for the RMI, enhanced local livelihoods and community resilience for all people of the RMI, and an integrated approach to development planning including consideration of climate change and disaster risks.

## C. Official authorities and government organizations concerned with human rights

17. The following governmental entities are concerned with human rights:

Office of the President, Office of the Chief Secretary, MOIA, MOFA, MOH, MOE, MORD, AG's Office, Public Defender's Office, Department of Public Safety, EPPSO, NTC.

## III. Promotion and protection of human rights on the ground: implementation of international human rights obligations identified in the "basis of review," national legislation and voluntary commitments, national human rights institutions activities, public awareness of human rights, cooperation with human rights mechanisms

18. The RDC is the body mandated by Cabinet to oversee reporting and implementation activities pertaining to CEDAW and CRC. The RDC's activities have been expanded to include UPR. Over the last four years, the RDC has continued to take part in capacity building activities. These include the CRPD Legislative Compliance review in February 2014, and the workshops on UPR and general Human Rights Capacity building held in April and June 2014.

19. Two major studies were undertaken over the last four and a half years. In March 2013, the *Ajri in Ibunini*: Child Protection Baseline Report (CPBR) was launched. The CPBR was conducted with support from United Nations Children's Fund (UNICEF) and provides necessary baseline data for addressing child protection issues. The *Debij Aeneman ilo Moko:* Family Health and Safety Study (FHSS) was conducted and will be launched in 2015. The FHSS was undertaken with support from UNFPA as part of a regional effort to collect prevalence data on violence against women. The data collected in these reports as well as the accompanying recommendations provide an important road map for addressing child protection and violence against women.

20. The RMI government has identified lack of capacity and inadequate resources as a major impediment to fully addressing human rights issues and commitments. In 2013, MOIA partnered with UNFPA, United Nations Office of the High Commissioner for Human Rights (UNOHCHR), UN Women, and UNICEF to place a United Nations Volunteer (UNV) Human Rights Coordinator within the Community Development Division to assist in the coordination of human rights reporting and implementation. This year long placement resulted in the development of a draft Initial CEDAW RMI State report and a draft Combined 3rd and 4th Periodic CRC RMI State report. The UNV also worked with members of the RDC and RDC working group to collect information relevant to human rights and examine areas relevant to human rights reporting and implementation.

## IV. Action taken regarding recommendations arising from the first UPR round

21. **Recommendation 1 (56.1):** The RMI has undertaken efforts to adhere to the principles of main human rights treaties. This includes holding capacity-building workshops for the RDC with the support of OHCHR, RRRT, and PIFS. The RMI has emphasized following a realistic approach in treaty ratification because of lack of existing capacity to coordinate treaty reporting and implementation. This realistic approach does not undermine the RMI's commitment to ensuring that it adheres to the principles of the main human rights treaties.

22. **Recommendation 2 (56.2):** The RMI organized and conducted national consultations in May and June 2014 with OHCHR, RRRT, PIFS, and members of the RDC. In addition to discussing reporting and implementation obligations of treaties already ratified, namely CEDAW and CRC, the RDC discussed ratification of core human rights treaties, including reporting obligations. The RMI remains committed to working closely with these partners in the future.

23. **Recommendation 3 (56.3):** The RDC discussed and considered ratification of core human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) at national consultations in May and June 2014. Additionally, the Law Review Commission is considering drafting laws to ensure compliance with core human rights treaties. A draft Cabinet Paper has been prepared for further analysis and consideration, seeking Cabinet to direct the RDC to plan and consult with stakeholders on RMI's accession to the ICCPR (as well as it's Optional Protocol and Second Optional Protocol) and ICESCR (and it's Option Protocol), as well as the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT) and it's Optional Protocol, CED, the CEDAW Optional Protocol, the Optional Protocols to the Convention on the Rights of the Child on children in armed conflict and the sale of children. In many instances, these core human rights are already reflected in RMI's Constitution. Also the Cabinet approved the formulation of the National Task Force on Human Trafficking and is currently working on Terms of Reference.

24. **Recommendation 4 (56.4):** The RDC discussed and considered ratification of core human rights treaties. A legislative compliance review of CRPD was conducted, and the *Nitijela* approved the Government's accession to the CRPD in January of 2015. Legislation was amended and passed to improve compliance with international standards. This includes *DVPPA*, which makes all forms of domestic violence an offence and provides for restraining orders as well custody and support orders. Additionally, the *Criminal Code* was revised. The new *Criminal Code* was enacted to provide for a more integrated system of criminal offenses, defences and penalties, to repeal certain sections, to provide for the offense of child abuse within the *Criminal Code*, to provide for the defence of insanity and to provide for criminal offenses for prostitution and trafficking. See response for Recommendation 3.

25. **Recommendation 5 (56.5):** The RDC discussed and considered ratification of core human rights treaties. The RDC also reviewed a legislative compliance review of CRPD conducted with assistance from PIFS, and the *Nitijela* approved the Government's accession to the CRPD. The RDC is prioritizing meeting existing reporting obligations under CRC and CEDAW before acceding to any of the Optional Protocols. See response for Recommendation 3.

26. **Recommendation 6 (56.6):** The RDC considered ratification of main human rights treaties, and in January of 2015, the *Nitijela* approved the Government's accession to the CRPD. However, the government remains focused on meeting existing reporting obligations under CEDAW and CRC. See response for Recommendation 3.

27. **Recommendation 7 (56.7):** The Nitijela approved the Government's accession to CRPD. Other steps include the creation and staffing of a Disability Coordination Office within MOIA. The Disability Coordination Office provides administrative and logistical support for the MIDPO, which was founded in 2013. This support included assistance in accessing funding to provide the first ever-public handicapped accessible vehicle in the country. MOIA further coordinated the drafting and Cabinet approval of the Disability Policy and Action Plan with support from PDF, PIFS and UNESCAP. Additionally, MOE has made strides on ensuring inclusive education throughout the country. See response for Recommendation 3.

28. **Recommendation 8 (56.8):** The RMI acceded to the United Nations Convention Against Corruption (UNCAC) on October 19th, 2011. Activities undertaken to ensure implementation include attending the State Parties meeting in Panama in and attending the Fifth Implementing Review Group meeting in June 2014. The RMI is currently participating in the peer-review mechanism so as to identify possible challenges and best

practices of State Parties. The initial cycle, which looks at the implementation of Chapters III (Criminalization and Law Enforcement) and IV (International Cooperation), is already underway. The RMI's self-assessment of Chapters III and IV were prepared by the RMI experts (AG's Office, Office of the Auditor-General, MOFA, Department of Public Safety, the Legislative Counsel's Office and the Immigration Division).

## Human rights institutions

29. **Recommendations 9 (56.9), 10 (56.10), 11 (56.11) and 12 (56.12):** The delegation that presented the previous UPR submission stated that the RMI "cannot at this time consider these recommendations due to limited national resources." The RMI has continued to work on strengthening existing mechanism within government, including the Gender and Development Office and the Child Rights Office within MOIA.

## Legal protection and human rights education

30. **Recommendation 13 (56.13):** The government undertook multiple efforts to ensure that human rights are afforded full legal protection. These efforts range from studies conducted to examine the effectiveness of existing laws to introduction of laws and policies to address gaps to amendment of the *Criminal Code* to capacity building activities for those instrumental in ensuring legal protection of human rights. For example, the CPBR was conducted 2010 and included a legislative review of child protection provisions. The FHSS was conducted in 2012 and, while it did not include a legislative review, it did examine how women experience violence, including whether existing laws provide adequate protection. In 2014 the Atlas of Social Indicators for Children in the Republic of the Marshall Islands was endorsed by Cabinet. The Atlas provides baseline data on poverty, education, health and other socio-economic indicators.

31. In 2011 the DVPPA was enacted as a standalone law addressing domestic violence. The drafting of a Child Protection Bill in response to issues raised by CPBR is in its initial stage. Cabinet approved the Disability Policy and corresponding action plan in 2014. The *Criminal Code* was revised in 2011 and included the addition of trafficking in persons as a stand-alone offense. Additionally, if a Constitutional Convention occurs as scheduled, there is a proposed amendment to include disability as prohibited grounds for discrimination. Capacity building activities included judges and lawyers participating in human rights trainings provided by regional partners including RRRT and PIFS. Training for lawyers included a legislative drafting component. The government has also conducted workshops for the RDC and the RDC working group on human rights treaty reporting and implementation with the support of regional development partners including OHCHR, RRRT, PIFS and UN Women.

32. **Recommendation 14 (56.14):** The government has continued its awareness raising programs through local media outlets including the national radio station V7AB and the privately owned newspaper the Marshall Islands Journal. MOE and MOH have regular information programs on the national radio station that often touch on human rights issues including sanitation, parenting skills, and substance abuse in youth. Additionally, MOH has a weekly advertisement in the Marshall Islands Journal that imparts vital health information including how to protect children from infectious diseases and basic nutritional information to prevent malnourishment. Beginning in 2012, the government has expanded its ability to reach outer islands communities with important messages through Wa Kuk Wa Jimor (WKWJ), which visits three outer islands yearly through the pilot phase of the mobile team project. The WKWJ team delivers information and conducts capacity building activities on issues including reproductive health and family planning, food and water security, and solid

waste disposal. The WKWJ team will also run awareness raising sessions on gender based violence, human rights, child rights and other youth issues.

## Women and children

33. **Recommendation 15 (56.15):** In 2011 the *DVPPA* was passed by the Nitijela. The DVPPA is a standalone law addressing domestic violence. It defines domestic violence broadly, addressing physical, emotional, social, economic and sexual abuse. The DVPPA makes domestic violence an offense punishable by prison time or a fine. Additionally, the DVPPA includes a No-Drop Policy to ensure investigation and prosecutions of charges are warranted. Other important provisions include restraining orders, the naming of mandatory reporters and the power granted to courts to make custody and maintenance orders when hearing domestic violence cases. In addition to the 2011 enactment of the DVPPA, the government partnered with a local NGO to develop first response protocols and a technical working group to oversee implementation of the law. The DVPPA Costing Analysis conducted by UNDP in cooperation with MOIA in 2012 provides further guidance for the government. The Costing Analysis identified all parts of the law that require active implementation and identified the key actors as well as the amount that should be budgeted for successful implementation of the activities.

34. While there is no standalone national strategy to combat violence against women and girls, the draft Gender Policy includes an outcome on gender-based violence. The Gender Policy will be submitted for Cabinet review in early 2015. MOIA is also partnering with WUTMI on implementation of the RMI National Work plan under the Pacific Women Shaping Pacific Development Initiative, which commits $320 million over 10 years to improve the political, economic and social opportunities of Pacific Women. Finally, MOIA is the recipient of a three-year grant from the United Nations Trust Fund (UNTF) to end violence against women for implementation of the Costing Analysis for the period of 2015-2017. MOIA will continue to work in cooperation with its partners, including WUTMI, to ensure harmonized implementation of these projects.

35. Building on progress made in ending violence against women and increased awareness of related issues, the RMI government will be cooperating with International Organization on Migration (IOM) on the implementation of a U.S. Office to monitor and combat trafficking in persons grant entitled "Combating Trafficking in Persons in Micronesia through Establishment of Protection Frameworks for Victims of Trafficking." The RMI government will be supporting IOM's work on this project through the Trafficking in Persons taskforce, which was approved by Cabinet in 2014. The task force's membership includes the AG's Office, Marshall Islands Police Department (MIDP), MOFA, WUTMI and IOM.

36. **Recommendation 16 (56.16):** The government took the first step towards implementing a system to counter violence against women by passing the DVPPA in 2011. This led to the Costing Analysis conducted in early 2012 which formed the basis for the MOIA project funded by the UNTF to End Violence Against Women to support implementation of the DVPPA. Additionally, Marshall Islands Police Department (MIPD) has undergone extensive capacity building activities in partnership with Pacific Prevention of Domestic Violence Programme (PPDVP). This includes the creation and staffing of a Domestic Violence Unit. Furthermore, MIPD endorsed the First Response Protocol developed in cooperation with WUTMI to ensure appropriate institutional response to victims of domestic violence. MIPD continues to work to strengthen their ability to respond appropriately to cases of domestic violence.

37. **Recommendation 17 (56.17):** The enactment of the DVPPA was the most important step in strengthening the legislative framework for protection of women and

children. Another important legislative milestone was the revision of the *Criminal Code*, which included a standalone provision addressing trafficking in persons. The newly endorsed NSP also specifically addresses issues pertaining to gender, children, youth and vulnerable groups. Additionally, the drafting of a Child Protection Bill is in its initial stages.

38. **Recommendation 18 (56.18):** The passage of the DVPPA created a new legislative framework to prevent violence and protect victims of violence. This framework has been further strengthened by the completion of the Costing Analysis which serves as the framework for a three-year grant from UNTF to MOIA to coordinate implementation of the law. Additionally, MIPD has taken major steps to address capacity issues by participating in an ongoing mentor relationship with PPDVP to train police officers staffing the Domestic Violence Unit.

39. **Recommendation 19 (56.19):** The government has a healthy and longstanding relationship with the civil society community. An important example of this relationship following the last UPR review is the WUTMI project Initiative for Better Response to Address Violence Everywhere (iBrave), which was funded by the UNTF to End Violence Against Women. iBRAVE was a project to end violence against women with both a public awareness prong as well as a legislation and policy prong. WUTMI worked closely with MOIA on the legislation and policy part of the project to develop first response protocols and a technical working group to facilitate implementation of the DVPPA. Several NGOs also sit on the RDC, iBRAVE ended in May 2014, but the government will build on this relationship though the implementation of their own UNTF funded project beginning in January 2015.

40. **Recommendation 20 (56.20):** The first major step to implement a national program aimed at eliminating violence against children was the CPBR, launched in 2012. The report provided important baseline data on child protection issues. The CPBR, including a legislative review, provided the foundation for a Child Protection Bill. Highlighting child protection issues, including those affecting school environments, provided the impetus for MOE to adopt a Child Protection Policy in 2014. Additionally, the DVPPA provides further protection for children from abuse by family members. Capacity building undertaken by MIPD on domestic violence will also benefit children as police officers are more prepared to deal with child victims of violence. More work remains to be done with regards to dissemination of the CPBR to stakeholders to ensure that the report's findings are properly integrated into all areas that address child rights and welfare.

41. **Recommendation 21 (56.21):** The Child Rights Office is the government focal point for matters involving child welfare. If necessary, they will be called in to assist other ministries on cases involving children. The Child Protection Policy at MOE includes instructions for MOE staff to respond to disclosures of abuse. The draft Child Protection Bill will also address child sensitive mechanisms for lodging complaints.

42. **Recommendation 22 (56.22):** The draft Worker's Compensation Bill has a provision for child laborers.

## Non-discrimination and equality

43. **Recommendation 23 (56.23):** Since the last UPR cycle the government has undertaken a legislative compliance review of child protection issues as part of the CPBR and a legislative compliance review of CRPD, the latter of which the *Nitijela* approved the Government's accession . The recommendations of these reviews are under consideration. Further efforts to ensure non-discriminatory laws include proposed Constitutional

amendments, including adding disability as a prohibited ground for discrimination, to be considered at the planned Constitutional Convention.

44. **Recommendation 24 (56.24):** The Constitution currently prohibits discrimination on the basis of gender. Furthermore, the discussions for a Constitutional Convention that began in April 2013 included expanding the anti-discrimination provision to include disability. A legislative review of provisions affecting those living with or affected by HIV is expected to inform a law reform effort that would include measures to protect against discrimination based on sexual orientation and gender identity.

45. **Recommendation 25 (56.25):** In April 2013, MOIA spearheaded the effort to draft a Gender Policy to fill the gap left by the previous Women's Policy, which expired in 2001. In October 2014, final consultations were conducted and the Gender Policy will be submitted for Cabinet approval in early 2015. One objective of the Gender Policy is to address gender based violence by capitalizing on recent efforts including the passage of the DVPPA, the DVPPA Costing Analysis, the FHSS report and capacity building exercises undertaken by individual agencies, including MIPD. Furthermore, the Gender Policy is aligned with the NSP, endorsed in 2014.

46. **Recommendation 26 (56.26):** The Gender Policy lays the framework for future steps to ensure the advancement of women in conformity with international human rights standards. This framework builds on the work that has been done in recent years including passage of the DVPPA and the *Criminal Code* revision. Other activities to advance women in conformity with international human rights standards include conducting a Mock Parliament for women in October 2011 and planning another for early 2015.

47. **Recommendation 27 (56.27):** The MIPSSA was passed in 2013 and commenced in November 2014. The MIPSSA created an autonomous Public School System and a governing National Board of Education and also brings the hiring and management of teachers solely under the purview of MOE, not the Public Service Commission (PSC). The MIPSSA provides that a child over the age of five before the beginning of a school year is eligible to enroll in and attend any school in the RMI and that enrollment and attendance for these children is the responsibility of the parents or guardians. A child who has successfully completed elementary level education shall be eligible to enroll in secondary level education in any school.

48. Enrollment data from 2011 shows nearly equal enrollment of males and females at both public and private elementary and secondary schools. In all elementary schools, 48.3% of students were female. In all secondary schools, 51.1% of students were female. Attendance is considerably more difficult to monitor. Attendance rates disaggregated by sex are not available, although overall attendance rates are 77% for Majuro, 70% for Ebeye and 71% for Outer Islands.

49. There are no legal provisions guaranteeing equal pay for equal work. PSC, which oversees government employees, follows a strict pay schedule based on job description, qualifications and education. The only law governing pay for the private sector is the *Minimum Wage Act 1986*, which sets the minimum wage at $2.00 per hour.

50. **Recommendation 28 (56.28):** The Bill of Rights of the Constitution can only be amended by Constitutional Convention. Though planning sessions for a Constitutional Convention began in 2013, one has yet to occur. The addition of disability as a prohibited ground of discrimination is expected to be on the agenda.

51. **Recommendation 29 (56.29):** In 2013, Cabinet approved the establishment of a Disability Coordination Office within MOIA. This development coincided with the drafting of a National Policy on Disability Inclusive Development and accompanying Action Plan, which was endorsed by Cabinet in 2014. The Disability Coordination Office also oversaw a

Legislative Compliance Review in cooperation with PIFS as well as multiple capacity-building workshops supported by partners including PIFS, PDF and UNESCAP and attended by local stakeholders including MIDPO, MOE, and MOH.

## Right to an adequate standard of living

52. **Recommendation 30 (56.30):** In 2011, the government completed a thorough Census that provides an important socio-economic analysis of the country. Following the publication of the Census, the government developed the NSP which addresses five sectors: Social Development, Environment, Climate Change and Resiliency, Infrastructure Development, Sustainable Economic Development and Good Governance. The NSP was endorsed in 2014 and will be active from 2015-2017. EPPSO is responsible for monitoring the implementation of the NSP using implementation matrixes that are coordinated with ministry and agency strategic plans and budgets. The NSP provides guidance for other policies, which will also affect the socio-economic development of the country, including the Disability Policy, the Gender Policy, and the Youth Policy.

53. **Recommendation 31 (56.31):** A number of advancements were made in the last five years that enable the government to continue to ensure the enjoyment of the right to education and the right to health. In the area of education, major advancements include the enactment of the MIPSSA replacing the Education Act. Important features of the MIPSSA include a newly established public school system and governing board as well as clear standards for curriculum, attendance, teacher certification, student and teacher conduct, nutrition, transportation, and student health and safety. Additionally, beginning in 2013, collection of all registration fees was suspended and all public school students were able to attend school free of charge. Another initiative that has done much to improve outer island students' ability to access education is the solar panel installation project that enables school children to study after dark.

54. In the area of health, a number of independent initiatives have addressed existing obstacles in accessing healthcare. In 2014, Majuro Hospital opened a new Maternal and Child Health clinic. This increased ability to provide quality care to mothers and children is further supported by the early childhood hearing screening program. An important development to ensure access to quality specialty care has been MOH's partnership with medical missions from abroad who have been able to deliver care in fields like obstetrics and gynecology, orthopedics, and ophthalmology to patients on Majuro and Ebeye. MOH has continued to address the challenges of delivering health services to the outer islands through the Health Mobile Team, which maintains a rigorous schedule of outer island visits, delivering immunizations as well as basic medical and preventative care. This Health Mobile Team's activities are enforced by the WKWJ mobile team, which includes partners from the Reproductive Health Division. Finally, MOH has also undertaken capacity building programs for nurses.

55. **Recommendation 32 (56.32):** The government continues to build on its partnerships with United Nations specialized agencies to improve its ability to realizing human rights. One example is the Special Rapporteur's visit, which will be discussed in greater detail below. Another example is the recruitment of a UNV sponsored by UNICEF, UNFPA, UN Women and UNOHCHR who was placed within MOIA for a year to help facilitate CEDAW and CRC reporting and implementation. Another UNFPA sponsored UNV was placed at MOH to assist with database creation and monitoring. Other specific examples of assistance include the help received in the aftermath of the 2013 drought from Office for the Coordination of Human Affairs (OCHA), World Health Organization (WHO) and UNICEF.

56. **Recommendation 33 (56.33):** Major initiatives to improve the access of children to education include the removal of school fees and the inclusive education program. Public schools that previously charged registration fees were mandated to stop this process beginning in 2013. This affected mainly schools located on Majuro and Ebeye as removed a significant financial barrier for students attending school. Additionally, MOE continues to provide appropriate education to students with disabilities, based on the findings of their Individualized Education Plans.

57. **Recommendation 34 (56.34):** The government continues to work to improve immunization rates. Recent numbers have shown a drop in immunization coverage on Majuro (55% in FY 2012 compared to 95% in FY 2007) despite significant resources put into the immunization program. The program faces many challenges that could be causing an actual drop in coverage or the appearance of a drop in coverage. This includes difficulties in registering and tracking child patient populations, logistical difficulties in reaching outer islands and finding patients who often move around within remote atolls. RMI signed on to the Asia-Pacific Plan of Action on Civil Vital Registration and Statistics (CVRS) in fall 2014 and plans to strengthen efforts on civil registration and accurate vital statistics. The national task force consists of MOIA, MOH, Marshall Islands Social Security Authority, MOE and EPPSO.

## Administration of justice

58. **Recommendation 35 (56.35):** The Department of Public Safety continues to seek ways to provide appropriate incarceration facilities to prisoners. Inadequate space and limited budget provide ongoing obstacles. The prison division of the MIPD cooperates with MOH to provide regular health check-ups for prisoners.

## Environment

59. **Recommendation 36 (56.36):** The RMI continues to act as a global leader in the fight against climate change. In 2012, President Christopher J. Loeak made a speech to the UN General Assembly to ensure rapid attainment of legally binding agreement curbing global warming gasses. In February 2013, the RMI advocated for the UN Security Council to consider climate change as a threat to international peace and security, particularly for low lying nations. Regionally, the RMI introduced the Majuro Declaration at the 2013 Pacific Islands Forum Leaders Meeting. Despite such strong advocacy, RMI will face severe medium- to long- term challenges in adequately addressing core human rights of its citizens as climate-driven impacts compound and increase in scale and frequency. More immediate threats and impacts are already visible and problematic. RMI provided a more detailed analysis to the HRC in a December 2008 report in response to HRC Resolution 7/23, which included statements of severe challenges to be anticipated with rights to life, property, nation, culture, food, housing, health, and water. As a low-lying atoll nation with narrow strips of land, the average height of 2 meters above sea level nearly matches overwhelming scientific consensus of future climate-driven sea level rise of 1 meter or greater. Current multilateral progress may provide some measure of an international platform to address action on emissions, but present projections are that global action will fall well short of accepted "safety zones" of temperature rise, and that the scientific "window" for action will start to close by the end of this decade (locking in a severe scale of impact). While displacement and statelessness are clear risks, RMI believes that "forced displacement" policy solutions represent appropriate safeguards of human rights or core national interests. Despite some nominal acknowledgment by a 2011 UN Security Council Presidential Statement, a meaningful international response has yet to occur.

60. Nationally, the RMI supports a number of regional and national projects and has an extensive policy framework. Environment, Climate Change and Resiliency and Sustainable Economic Development are two of the five sectors that the NSP is organized around. The JNAP provides a comprehensive policy framework for addressing both climate change and disaster risk management. Additionally, the *Reimaanlok* process serves a conservation area planning framework that is designed to "develop principles, processes and guidelines for the design, establishment and management of conservation areas that are fully owned, led and endorsed by local communities based on their needs, values and cultural heritage." In 2013, the RMI established a local Red Cross Society and officially became a member of the IOM. Despite progress in policy and planning, RMI faces very serious domestic capacity and resource challenges in turning such cross-cutting policies into visible action.

## Cooperation with UN human rights mechanisms

61. **Recommendation 37 (56.37) and Recommendation 38 (56.38):** The RMI extended an open and standing invitation to the special procedures of the HRC in 2011. This invitation resulted in a visit by the Special Rapporteur on the implications for human rights of environmentally sound management and disposal of hazardous wastes conducting a visit to the RMI from March 27 to 30, 2012 and to the United States of America from April 24 to 27, 2012. The purpose of these visits was to examine "(a) the effects of the nuclear testing programme of the United States in the Marshall Islands between 1946 and 1958, when it was under United Nations trusteeship, on the enjoyment of human rights; (b) the efforts made by both Governments to eliminate or mitigate the negative effects of the testing on the Marshallese population, and the sound management of hazardous substances and wastes associated with nuclear testing; and (c) the lessons learned and additional measures necessary to ensure the full realization of the victims' right to an effective remedy." The purpose of this resulting report was to "stimulate constructive and forward-looking dialogue between the parties in the spirit of understanding, respect and reconciliation, for the benefit of the Marshallese people.

62. In Section III of the report (A/HRC/21/48/Add.1), the Special Rapporteur addressed "Impact on the enjoyment of human rights" and found that:

"The nuclear testing resulted in both immediate and continuing effects on the human rights of the Marshallese. Radiation from the testing resulted in fatalities and in acute and long-term health complications. The effects of radiation have been exacerbated by near-irreversible environmental contamination, leading to the loss of livelihoods and lands. Moreover, many people continue to experience indefinite displacement." [paragraph 19 at page 6];

"The Special Rapporteur received information suggesting that the full effects of radiation on the right to health of Marshallese women may have been, and continues to be, underestimated" [paragraph 27] and that "Several years after exposure, a high incidence of thyroid cancer was reported [paragraph 31]; and that

"Displacement due to the nuclear testing, especially of inhabitants from Bikini, Enewetak, Rongelap and Utrok Atolls, has created nomads who are disconnected from their lands and their cultural and indigenous way of life…" [paragraph 33].

63. The Report of the Special Rapporteur also noted that the United Nations Trusteeship Council voted in both 1954 and 1956 to sanction the continuation of the tests and, in doing so, recommended settlement of all just claims for loss of land. [paragraphs 37-38] As noted in the statement of RMI Minister of Foreign Affairs Phillip Muller to the HRC in Geneva on 13 September 2012, the U.N. resolutions rejecting Marshall Islanders' petitions to halt the testing made specific assurances of fairness, justice and respect for human rights which

have never been met. The Minister's statement went on to say that the Special Rapporteur's mission tells the world that the Marshall Islands is entitled to know the truth, to be treated with dignity, and to have all those human rights which should never have been lost. It should be noted that the *Nitijela* adopted Resolution No. 14 in 2012 which endorsed this Report.

64. The result of the Special Rapporteur's report was a number of recommendations for both the RMI and the United States. Nine recommendations were issued to the RMI. The RMI Minister of Foreign Affairs welcomed the Special Rapporteur's recommendations while urging the United States and the international community to do the same. Although the RMI is committed to implementing the Special Rapporteur's recommendations, inadequate resources have been an impediment in effective implementation. The recommendations and corresponding action taken follow below:

(a) *Carry out an independent radiological survey and request relevant UN agency assistance* – The U.S. Department of Energy (DOE) continues to assist with monitoring of the Runit Dome and adjoining coastal areas in Enewetak. Additionally, the DOE has done some soil and/or plant monitoring at Utrik since the Rapporteur's report in 2012 and has continued to maintain the whole body counter radiation measurement facilities at Enewetak, Rongelap, and Majuro. The government has not yet conducted an independent radiological survey or made a request to relevant international agencies to assist with this survey.

(b) *Develop a comprehensive national health strategy on the basis of epidemiological evidence, and request support for hospital renovation and provision of qualified medical personnel* – The government of the RMI has not yet developed a comprehensive national health strategy on the basis of epidemiological evidence but continues to work on issues that impede the provision of quality medical care, including recruitment of qualified medical personnel, including specialists.

(c) *Lead regional consultations on cancer and emerging non-communicable diseases* – The government of the RMI continues to focus on non-communicable diseases (NCD) as a major obstacle to the realization of a healthy and productive society. This includes the President declaring a NCD state of emergency and ongoing national efforts led by MOH to decrease the high rates of NCDs.

(d) *Ensure impact assessments use reliable baseline studies and are carried out by independent third parties* – The government of the RMI has not yet implemented this recommendation.

(e) *Engage in a broad consultative process including victims, families and other relevant actors, on outstanding measures required to address long-term human health and environmental effects, with emphasis on reconciling traditional land tenure with durable solutions for displacement* – Annual meetings are conducted with the local governments of the four atolls, the national government the U.S. DOE.

(f) *Develop economic diversification strategy to reduce overreliance on the Compact of Free Association* – The government of the RMI continues to pursue economic diversification options, including the creation of the Office of Commerce & Investment, the decrement plan, and the Compact Trust Fund.

(g) *Promote good governance and transparency at national and atoll levels including through disclosure of use of Compact funds and develop a human rights policy with annual reporting* – The development of the NSP provides a vehicle to encourage good governance and coordination of policies from individual line ministries.

(h) *Pursue partnerships with international academic institutions to make RMI a center of excellence in environmental studies* – The RMI cooperated with Columbia

University's Climate Change Law Centre on an international conference in May 2011 titled 'Threatened Island Nations: Legal Implications of Rising Seas and a Changing Climate'. The government also cooperates with local academic institutions including the College of the Marshall Islands (CMI) and the University of the South Pacific (USP).

(i) *Seek international assistance to improve public infrastructure including water, sanitation and waste management* – The RMI is currently working with the Asian Development Bank (ADB) for the Ebeye Water Supply and Sanitation Project. Improved water supply, sewerage, and electricity services are high priorities for the Kwajalein leadership, Ebeye community, Kwajalein Atoll Joint Utilities Resources (KAJUR), and the RMI Government. The overall aim of project will be to ensure sustainable delivery of electricity, water supply, and sanitation services on Ebeye. The project impact will be reduced incidence of waterborne disease on Ebeye and project outcome will be improved access to safe water and sanitation. The implementation period is from July 2015–December 2021.

## V. Achievements, best practices, challenges and constraints

65. Achievements in the advancement of human rights since 2010 include:

Gender Equality Policy, Disability Inclusive Development Policy, NSP, JNAP, MOE Child Protection Policy, CPBR, FHSS, The UN Trust Fund to End Violence Against Women award to MOIA.

66. Best practices developed include the continued productive working relationships with regional and international development partners with an increased focus on capacity building of national staff.

67. Challenges and constraints that the government has encountered include:

(a) Human Resources capacity – the government continues to struggle to attract experienced and trained personnel, especially for specialized positions.

(b) Finance – Budget constraints continue to prevent the RMI from implementing projects addressing human rights issues to the fullest degree.

(c) Infrastructure – Infrastructure issues are providing an additional constraint. Degrading infrastructure forced the relocation of several government offices within the last few years. The need to strengthen maintenance of infrastructures is necessary.

(d) Transportation and Communication – Transportation and communication issues continue to inhibit effective implementation of projects, particularly on the outer islands.

(e) Climate change and related disasters – The drought of 2013 and inundation of 2014 are two examples of disasters affecting the RMI, which require significant reallocation of resources and energy.

(f) Nuclear legacy – Adverse effects arising from the U.S. Nuclear Testing Program (NTP) continue to pose human rights violations against the Marshallese people, namely those from the 4 Atolls. The U.S. Congress still has not responded to the Change Circumstances Petition (CCP) submitted in 2000 to seek additional funding pursuant to Article IX of Section 177 of the Compact of Free Association. Incidentally, the RMI also contended in the CCP that although the U.S. Government recognized only the people of the 4 Atolls as being affected by the NTP, the radioactive contamination was more widespread and therefore should include other atolls/islands such as Ailuk Atoll, Mejit Island, Likiep Atoll, Wotho Atoll, Wotje Atoll, and Ujelang Atoll.

## VI. Key national priorities and initiatives and commitments that the State concerned has undertaken and intends to undertake to overcome those challenges and constraints and improve human rights situation in the State

68. The NSP provides an invaluable framework within which to improve the human rights situation within the RMI by addressing cross-sectoral challenges.

69. Climate Change – As a major challenge to the RMI's future, addressing climate change remains a key national priority

70. Gender Equality – With the development of a National Gender Policy, the government continues to work to meet its obligations under the Gender Equality Declaration developed at the 2012 Pacific Islands Leaders Forum.

71. Through the NCD state of emergency declaration, the RMI acknowledges that NCD epidemic provide a major impediment to the realization of human rights by the people of the RMI and must be addressed in order to meet human rights obligations.

72. Education – Through the founding of the Public School System under the new MIPPSA, the RMI acknowledges that an increased focus on education is necessary to meet human rights obligations.

## VII. Expectation of the state concerned in terms of capacity building and requests if any, for technical and support received

73. The government of the RMI would like to express its appreciation for the continued assistance of development partners in assisting the RMI in meeting its human rights obligations, both technical and financial.

74. In 2013, a UNV sponsored by UNICEF, UN Women, UNFPA and UNOHCHR was placed within the Community Development Division at MOIA to assist in the facilitation of human rights treaty reporting and implementation. The UNV worked closely with government counterparts and consequently institutional understanding of and investment in reporting and implementation processes was improved. This was a beneficial process, and the RMI would like to pursue similar partnerships in the future.

75. RMI needs further assistance in implementing its human rights obligations, especially in the areas of coordination across the national and local governments and in meeting reporting and implementing obligations that will come with additional treaty ratifications. The RMI is further requesting assistance in aid coordination.

## VIII. Voluntary commitments

76. As the drafter of the Majuro Declaration, the RMI remains committed to leading the international dialogue in the effort in reducing the impacts of climate change and pursuing effective adaptation measures.

77. RMI continues to pursue the development of necessary and relevant national policies in line with its international commitments.

# IX. Conclusion

78. **The RMI appreciates the opportunity to evaluate and report on its progress in implementing the recommendations resulting from the first UPR report. The RMI will continue to work at a national, regional and global level to achieve effective implementation of its human rights obligations.**